

Renée E. Rothauge, Bar No. 903712

RRothauge@perkinscoie.com

Julia E. Markley, Bar No. 000791

JMarkley@perkinscoie.com

PERKINS COIE LLP

1120 NW Couch Street, Tenth Floor

Portland, OR 97209-4128

Telephone: 503.727.2000

Facsimile: 503.727.2222

GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutrous, Jr., *pro hac vice forthcoming*

tboutrous@gibsondunn.com

333 South Grand Avenue

Los Angeles, CA 90071

Telephone: 213.229.7000

Facsimile: 213.229.7520

Joshua D. Dick, *pro hac vice forthcoming*

jdick@gibsondunn.com

555 Mission Street

San Francisco, CA 94105

Telephone: 415.393.8200

Facsimile: 415.374.8451

Attorneys for Defendant Chevron Corporation

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

COUNTY OF MULTNOMAH,

Plaintiff,

v.

EXXON MOBIL CORP., SHELL PLC F.K.A.
ROYAL DUTCH SHELL PLC, CHEVRON
CORP., BP PLC, CONOCOPHILLIPS,
MOTIVA ENTERPRISES, LLC,

Case No. 3:23-cv-1213

**DECLARATION OF JOSHUA
D. DICK IN SUPPORT OF
NOTICE OF REMOVAL BY
DEFENDANTS CHEVRON
CORPORATION AND
CHEVRON U.S.A. INC.**

DECLARATION OF JOSHUA D. DICK IN
SUPPORT OF NOTICE OF REMOVAL BY
DEFENDANTS CHEVRON CORPORATION
AND CHEVRON U.S.A. INC.-1-

OCCIDENTAL PETROLEUM F.K.A.
ANADARKO PETROLEUM CORP., SPACE
AGE FUEL, INC., VALERO ENERGY
CORP., TOTAL SPECIALTIES USA, INC.,
MARATHON PETROLEUM CORP.,
PEABODY ENERGY CORP., KOCH
INDUSTRIES, INC., AMERICAN
PETROLEUM INSTITUTE, WESTERN
STATES PETROLEUM ASSOCIATION,
MCKINSEY AND COMPANY, INC., and
DOES 1-250 INCLUSIVE,

Defendants.

By Defendant Chevron Corporation

I, Joshua D. Dick, declare as follows:

1. I am an attorney admitted to practice in the State of California, and my application for admission *pro hac vice* before this Court is forthcoming. I am a partner in the law firm of Gibson, Dunn & Crutcher, LLP, and I am one of the attorneys responsible for the representation of Defendants Chevron Corporation and Chevron U.S.A. Inc. (together “the Chevron Parties”) in this matter. I make this declaration in support of the Chevron Parties’ Notice of Removal, filed concurrently herewith.

2. Unless otherwise stated, the following facts are within my personal knowledge through personal review of the documents and information described herein or through information gathered and provided to me by individuals at my firm, at my direction. If called and sworn as a witness, I could and would testify competently thereto.

3. I have consulted with my clients, and I have been informed that Chevron Corporation was served on July 20, 2023 by Plaintiff the County of Multnomah with a copy of the Complaint filed in the Circuit Court of the State of Oregon for the County of Multnomah on June

DECLARATION OF JOSHUA D. DICK IN
SUPPORT OF NOTICE OF REMOVAL BY
DEFENDANTS CHEVRON CORPORATION
AND CHEVRON U.S.A. INC.-2-

22, 2023. The Notice of Removal is being filed not more than thirty (30) days after Chevron Corporation was served with a copy of the initial pleading setting forth the claims for relief upon which this action is based. 28 U.S.C § 1446(b).

4. The consent of the other Defendants is not required because removal does not proceed “solely under 28 U.S.C § 1441.” 28 U.S.C § 1446(b)(2)(A). The Chevron Parties have removed this action to federal court on several bases including, for example, 28 U.S.C § 1442(a)(1). Further, consent is not required from any Defendant that has not been served. *See* 28 U.S.C § 1446(b)(2)(A). Nevertheless, “all defendants who have been properly joined and served” consent to the removal of this action. 28 U.S.C. § 1446(b)(2)(A). Such consents were provided to counsel for the Chevron Parties in correspondence with the other served Defendants and/or their counsel.

5. Pursuant to 28 U.S.C § 1446(a), attached hereto as **Exhibit 1** are copies of all process, pleadings, and orders from the state-court action being removed to this Court that the Chevron Parties have been able to obtain from the Circuit Court which are in the possession of the Chevron Parties. Pursuant to 28 U.S.C § 1446(a), this constitutes “a copy of all process, pleadings, and orders” received by the Chevron Parties in the action.

6. Attached hereto as **Exhibit 2** is a true and correct copy of the Affidavit of Dr. Mark R. Wilson, filed in *Anne Arundel County v. BP p.l.c., et al.*, No. 21-cv-01323 (D. Md.), filed May 27, 2021.

7. Attached hereto as **Exhibit 3** is a true and correct copy of the Comprehensive Energy Plan, House of Representatives Document Number 93-406, dated December 10, 1974.

8. Attached hereto as **Exhibit 4** is a true and correct copy of the Navy Supply Corps Newsletter, *A Word about Fuels*, dated May 29, 2020, available at <https://scnewsltr.dodlive.mil/2020/05/29/a-word-about-fuels/>.

9. Attached hereto as **Exhibit 5** is a true and correct copy of the Navy Supply Corps Newsletter, *NAVSUP Fuels: What the Fleet Runs On*, dated Spring 2020, available at https://scnewsltr.dodlive.mil/files/2020/04/2020-SCNews-Spring_web.pdf.

10. Attached hereto as **Exhibit 6** is a true and correct excerpted copy of Gregory Pedlow and Donald Welzenbach's 1992 report, *The Central Intelligence Agency and Overhead Reconnaissance: The U-2 and OXCART Programs, 1954-1974*.

11. Attached hereto as **Exhibit 7** is a true and correct copy of CIA Doc. No. CIA-RDP90B00170R000100080001-5, Clarence L. Johnson, Development of the Lockheed SR-71 Blackbird, dated August 3, 1981.

12. Attached hereto as **Exhibit 8** is a true and correct excerpted copy of Ben Rich and Leo Janos's *Skunk Works*, published in 1994.

13. Attached hereto as **Exhibit 9** is a true and correct copy of CIA Doc No. CIA-RDP67B00074R000500400016-2, Contract No. AF33(657)-8577 (SH-511), dated August 14, 1962.

14. Attached hereto as **Exhibit 10** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500400012-6, Amendment No. 2 to Contract No. AF33(657)-5577 (SH-511), dated August 26, 1963.

15. Attached hereto as **Exhibit 11** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500440005-0, Concurrence in Contract No. SH-515 with Shell Oil Company, Project OXCART, dated September 20, 1963.

16. Attached hereto as **Exhibit 12** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500450004-0, Contract No. AF33(657)-13272 (SH-516), dated June 30, 1964.

17. Attached hereto as **Exhibit 13** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500440006-9, Contract No. AF33(657)-12525 (SH-515), dated September 20, 1963.

18. Attached hereto as **Exhibit 14** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500430003-3, Concurrence in Contract No. SH-514 with Shell Oil Company, New York, N.Y., dated June 28, 1963.

19. Attached hereto as **Exhibit 15** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500420006-1, Contract No. AF33(657)10449 (SH-513), dated February 25, 1963.

20. Attached hereto as **Exhibit 16** is a true and correct copy of CIA Doc. No. CIA-RDP67B00074R000500410006-2, Contract No. AF33(657)-8582 (SH-512), dated September 13, 1962.

21. Attached hereto as **Exhibit 17** is a true and correct copy of CIA Doc. No. CIA-RDP63-00313A000500130031-9, Summary of OSA Activities for Week Ending 21 August 1963, dated August 23, 1963.

22. Attached hereto as **Exhibit 18** is a true and correct excerpted copy of Solicitation SP0600-10-R-0061 and Addendum, dated July 27, 2009.

23. Attached hereto as **Exhibit 19** is a true and correct excerpted copy of Solicitation SP0600-12-R-0061 and Addendum, dated December 12, 2011.

24. Attached hereto as **Exhibit 20** is a true and correct copy of the Report reflecting procurement contract SP060012D0510, dated September 20, 2012, last modified May 15, 2013, available at https://www.fpds.gov/fpdsng_cms/indphp/en/.

25. Attached hereto as **Exhibit 21** is a true and correct copy of the Report reflecting procurement contract SP060012D0498, dated September 20, 2012, last modified February 19, 2013, available at https://www.fpds.gov/fpdsng_cms/indphp/en/.

26. Attached hereto as **Exhibit 22** is a true and correct copy of the Report reflecting procurement contract SP060010D0470, dated April 26, 2010, last modified June 2, 2011, available at https://www.fpds.gov/fpdsng_cms/indphp/en/.

27. Attached hereto as **Exhibit 23** is a true and correct copy of the Report reflecting procurement contract SP060011D0482, dated May 13, 2011, last modified June 15, 2011, available at https://www.fpds.gov/fpdsng_cms/indphp/en/.

28. Attached hereto as **Exhibit 24** is a true and correct copy of the Report reflecting the Bid Summary of Award Information for products F76, JAA, JP5, and JP8, dated October 11, 2012.

29. Attached hereto as **Exhibit 25** is a true and correct copy of the Minimum Cost Solution Bid Award Sheet detailing the shipping terminals to receive products F76, JAA, JP5, and JP8, dated October 11, 2012.

30. Attached hereto as **Exhibit 26** is a true and correct copy of the Solicitation SP0600-10-R-0061 Award Report, dated July 22, 2010.

31. Attached hereto as **Exhibit 27** is a true and correct copy of the DLA Detail Specifications for Turbine Fuels, Aviation Kerosene Types, NATO F-34(JP-8), NATO F-35, and JP-8+100, MIL-DTL-83133E, dated April 1, 1999.

32. Attached hereto as **Exhibit 28** is a true and correct copy of the DLA Detail Specification for Turbine Fuels, Grades JP-4 and JP-5, MIL-DTL-5624U, dated January 5, 2004.

33. Attached hereto as **Exhibit 29** is a true and correct copy of Tables summarizing the contracts between BP entities and Defense Logistics Agency (“DLA”) Energy Bulk Petroleum Products, which coordinates the acquisition of fuels and fuel-related services for the U.S. Department of Defense, for the period 2016-2020, along with excerpts of the contracts described therein.

34. Attached hereto as **Exhibit 30** is a true and correct excerpted copy of the Department of Defense’s Defense Handbook on Aerospace Fuels Certification, MIL-HDBK-510A, published in August 2014.

35. Attached hereto as **Exhibit 31** is a true and correct excerpted copy of Air Force Wright Aeronautical Laboratory’s Military Jet Fuels, 1944-1987, AFWAL-TR-87-2062, dated November 1987, available at <https://apps.dtic.mil/dtic/tr/fulltext/u2/a186752.pdf>.

36. Attached hereto as **Exhibit 32** is a true and correct copy of a Statement of Ralph K. Davies, Deputy Petroleum Administrator for War, made to the Special Committee Investigating Petroleum Resources, S. Res. 36, on November 28, 1945.

37. Attached hereto as **Exhibit 33** is a true and correct excerpted copy of the National Petroleum Council's *A National Oil Policy for the United States*, published in 1949.

38. Attached hereto as **Exhibit 34** is a true and correct excerpted copy of a Statement of Senator Joseph C. O'Mahoney, Chairman of the United States Senate Special Committee Investigating Petroleum Resources, made on November 28, 1945.

39. Attached hereto as **Exhibit 35** is a true and correct excerpted copy of a Statement of George A. Wilson, Director of Supply and Transportation Division, Wartime Petroleum Supply and Transportation, PAW, made to the Special Committee Investigating Petroleum Resources, S. Res. 36, on November 28, 1945.

40. Attached hereto as **Exhibit 36** is a true and correct excerpted copy of John W. Frey and H. Chandler Ide's *A History of the Petroleum Administration for War*, published in 1946.

41. Attached hereto as **Exhibit 37** is a true and correct excerpted copy of the Remarks of Secretary Harold Ickes to the Conference of Petroleum Industry Chairmen on August 11, 1941.

42. Attached hereto as **Exhibit 38** is a true and correct copy of a Telegram from P.M. Robinson, PAW Assistant Director of Refining, to Ralph K. Davies, PAW Deputy Administrator, dated August 12, 1942.

43. Attached hereto as **Exhibit 39** is a true and correct excerpted copy of the *Defense Logistics Agency Energy Fiscal Year 2019 Fact Book*, as prepared and published by the United States Department of Defense, Defense Logistics Agency ("DLA"), https://www.dla.mil/Portals/104/Documents/Energy/Publications/FactBookFiscalYear2019_highres.pdf?ver=2020-01-21-103755-473.

44. Attached hereto as **Exhibit 40** is a true and correct copy of the Amici Curiae Brief of General (Retired) Richard B. Myers and Admiral (Retired) Michael G. Mullen in Support of Petitioners, filed in *BP p.l.c. v. Mayor & City Council of Baltimore*, No. 19-1189 (U.S. Nov. 23, 2020).

I declare under penalty of perjury under the laws of the State of Oregon and the United States of America that the foregoing is true and correct and that I executed this Declaration on August 18 2023, at San Francisco, California.

/s/ Joshua D. Dick
Joshua D. Dick